

LAKE COUNTY PLANNING BOARD
March 14, 2018
Lake County Courthouse, Large Conference Room (Rm 316)
Meeting Minutes

MEMBERS PRESENT: Steve Rosso, John Fleming, Sigurd Jensen, Rick Cothorn, Frank Mutch, Lee Perrin, Janet Camel, Abigail Feiler

STAFF PRESENT: Jacob Feistner, Lita Fonda, Consultant Joel Nelson
Other staff in attendance in audience included Planner Rob Edington, County Attorney Wally Congdon, County Commissioner Gale Decker

Steve Rosso called the meeting to order at 7:00pm.

WILD HORSE RV RESORT PHASED MAJOR SUBDIVISION-INTRODUCTION (7 pm)

Jacob Feistner introduced owner Lori Lundeen, agents Marc Carstens and Melissa Tuemmler of Carstens & Associates and Rob Smith of A2Z Engineering. He presented the introductory staff report. (See attachments to minutes in the March 2018 meeting file for staff report.) He noted in the staff report that the original name proposed was Big Arm RV subdivision. It was now called the Wild Horse RV Resort. The Board might see both names for the same proposal. This review was for both the whole thing and the first phase. He noted that identifying whether or not there was [water] capacity for the fire hydrants would be an important component of the review.

Janet Camel relayed that the engineer from [Tribal] Housing Authority said he told the Lundeens they could connect to the water system on the condition that they would pay impact fees to drill a new well and to add additional storage because there wasn't capacity for this number of units. It was a pretty small system. That would have to be addressed. When [the Tribes] drilled wells for water systems, they didn't always have enough capacity for fire hydrants. They wished they did. IHS didn't require that in the past. They would have to talk with Bret Birk for the current regulations, to confirm with him and for more detailed information. She asked him to write a letter but he must not have had time. He managed 22 systems.

Steve turned to attachments 1 and 5. He confirmed with Jacob that 8th Street was undeveloped and had no highway approach. Jacob described 7th Street as the road that went by the fire hall.

Janet said she laid out the home sites in the townsite to the east. They had problems with septic systems due to the clay soils and only allowed 1 home per 4 lots. It was about one home per acre, so the neighboring density was one home per acre. They wouldn't develop at higher densities, and might look at lower ones because of the problems with septic.

Lee said it sounded like upgrades needed to be made, like with fire, water and possibly the streets. Was the County responsible for funding to upgrade systems necessary for this subdivision? Jacob replied those costs were up to the developer.

Frank asked if the land to the east was Tribal. Janet replied that most of it was. A few scattered non-Tribal lots were in between. They tried to take those lots into consideration when they looked at overall density. If [lots] were already developed, they counted that.

Steve asked about the 20-foot access roads to the subdivision and 24-foot wide roads within the subdivision. Jacob's understanding was the roads were proposed at 24 feet because of the use. RV's would be passing and backing in and out of spaces. They proposed 60-foot wide right-of-ways with 24-foot road surfaces and soft shoulders for easy access in and out.

Steve pointed to the \$100 per lot annual maintenance fee in the comment from the fire district. From previous subdivisions, he understood it as a one-time contribution. Jacob answered that this was the fire chief's request. He didn't know whether that would be approved.

Jacob said he had not thoroughly studied the covenants in response to Steve's question.

Frank asked if the applicants had the option to put in their own water system. Jacob said that was a better question for a sanitarian. Frank asked if private community water systems were currently banned in the County. Jacob thought there were restrictions until the Compact was settled.

Lee observed there weren't public comments included, especially from people in Big Arm. Were there comments on disruption if this subdivision went in? Jacob said when this was first proposed in early 2017 and the idea was floating around, a few people asked about it. When adjacent notices were sent and published in the newspaper, they didn't receive public comment.

Marc Carstens spoke as an agent for the applicant. These preliminary meetings were good for these larger projects for feedback. It was important to incorporate the concerns as they went forward. On the water concern, they were in negotiation on that matter. He felt staff did a good job of presenting it. They were open for questions from the Board and welcomed those, as those helped them round out a better application.

Melissa Tuemmler, agent with extensive sanitarian background, spoke about the onsite wastewater. They were dealing with a shared system, which was different than individual systems. It still had to go through DEQ (Dept. of Environmental Quality) review and still had to meet the non-degradation requirements and satisfy that. The soil profiles that were performed showed some clays in the NW corner. The rest looked pretty good. The new systems were a lot more advanced and should be able to satisfy concerned. Janet asked how they would be able to get people to comply with maintenance of these systems as lots were sold. Melissa identified the homeowners association. Janet said if someone didn't comply in that scenario, they'd have to sue each other. What if people didn't have the money to sue? Marc said the covenants were a different matter than the homeowners association. The homeowners association had more of a legal arm. They could shut the water off. You either complied or you didn't comply. His other thought was to consider 50 campers didn't equate to 50 homes for effluent. It was a reduced amount. Most RV parks weren't open year-round. They heard the concern about the soil. Janet said they saw more and more RV parks open year-round because of the cost of housing. Marc acknowledged the possibility.

Steve moved to the stormwater and attachment 4. He expected to see a swale in the NW corner of phase 5 and did not. Although it didn't show up on the plat, Rob Smith believed he did plan a swale in that corner. Steve said the staff report talked about the impervious surfaces in the common areas, such as roads. It didn't mention impervious surfaces within the lots. Each lot would have a driveway, parking spot and possibly a shed or small building. Could those runoffs be handled with these same swales? Rob S said he accounted for that in his calculations. Steve asked if the covenants gave recommended limits on impervious surface area on each lot. Did something keep them from paving over the entire 4000 square feet of a lot? Rob S thought that was a covenants question that they could look into. Typically [the amount of runoff from each lot that they planned to handle] was also written into the certificate of subdivision approval, where they talked about what was calculated and what impervious amount was allowed.

Public comment opened:

Martin Sego, lieutenant of the Big Arm Fire Station, brought a concern that in summer traffic, if they had a line of 40-foot RV's trying to get onto the highway, the fire dept. would have a difficult time getting out of their building and onto the highway. Steve wondered if a stop sign before the fire hall with a notice that vehicles were to continue one at a time from that point and wait for someone to pull out onto the highway before the next vehicle came down. Martin thought that would help. The issue would be someone who tried to turn left when traffic was full. Steve outlined a problem some first responders encountered (for instance on the 4th of July) was getting to the hall. This was another issue to consider. Janet asked if they could talk to the highway dept. about widening the approach or creating a separate access, such as the fire hall had in Arlee. Jacob said the subdividers would be in contact with the highway dept. for the work they would do on 7th. They could ask that question.

LAKE COUNTY GROWTH POLICY REWRITE (7:31 pm)

(See attachments to minutes in the March 2018 meeting file for proposed resolution, draft and written public comment.) Jacob reported that the Board of County Commissioners adjusted their plan. They requested a recommendation regarding the repeal of the Density Map & Regulations (DMR) from the Lake County Planning Board. This would affect tonight's plan a little bit. The Board should still try to get through chapters 8 and 9 at least, and the appendix if there's time. Recommendations on the growth policy and the repeal would be done in April.

Steve overviewed the order of business for the discussion: introductory comments, staff comments, public comment and then board discussion.

Steve relayed that the Commissions had concern about Planning Board members who might have conflict of interest regarding decisions about the growth policy and possible the DMR. He wanted to give each Board member an opportunity to state possible conflicts they might have in making decisions regarding this growth policy or DMR issues.

Steve listed his volunteer positions on this Board, the Lake County Board of Adjustment, the North Shore Nordic Club, Flathead Lake Protection Association and Flathead Lakers. All were non-profit organizations. None owned property in Lake County or would benefit financially or

in any other material way from any disposition of the growth policy or DMR. He and his wife owned the small property their home was on in the Upper West Shore Zoning District. Those regulations dictated development. They owned no other property in Lake County, nor did their family members. His wife worked seasonally for Blacktail Mountain Ski Area, which had no interest in any Lake County property. Steve was retired and received no W-2 form income from any organization. He felt he had no conflict of interest regarding the growth policy or the DMR.

Frank lived in Finley Point, which was zoned, so the DMR did not directly impact him in terms of his property. They also had a small rental in the town of Polson. He was retired. He last worked in the State Department. His observation was they all had opinions on this based on their personal views and values. He didn't see this as a conflict of interest.

Lee was a federal retiree who owned a home in Jette Meadows and a rental outside of Pablo. He and his wife owned no other Lake County property. His relatives owned property in Lake County but he didn't think they would benefit in any way by any Board decision or by things pertaining to the growth policy. He was here to do what he thought was the best thing for Lake County. He'd learned a lot.

Abigail stated she did not have a conflict of interest on this matter.

John didn't think he had a conflict. He owned 2 parcels of property, one with a conservation easement on the 75 acres east of Mission and another 60 acres east of Pablo. He was a state legislator. He saw no conflict there.

Janet's husband owned their 5-acre property, which was designated wildlife habitat by the National Wildlife Federation. They had a residence on it. She didn't think she had conflicts. She was here to represent the Tribes' concerns and share information that she had as a planner with this Board. She tried to bring in information about existing plans the Tribes had and planning documents that were in place so the County was aware of the Tribes' goals. She saw no conflict of interest.

Rick was a member of the Friends of Lake Mary Ronan, which was a community group concerned about water quality, a member of the Chief Cliff Volunteer Fire Dept. and he helped out on Sigurd's ranch. That constituted no conflict that he was aware of.

Sigurd was a rancher in the Elmo area and the Conservation District representative on the Planning Board. He didn't see a conflict of interest.

Lee added he owned 80 acres of land in Sanders County that he was currently trying to sell. He didn't believe that was a conflict of interest, but wanted to include it.

Janet also served as a volunteer on the Lake County Community Development Board and the Montana Indian Business Alliance Board.

[Editor's opinion: Lake County is tremendously fortunate to have these people for this Board. I recognize and thank you for your integrity, as well as your ongoing service, time and thought.]

Joel, consultant for Land Solutions, overviewed what had been done since February's draft 2. Many of these changes came from the Commissioners. Commissioner introduction was added on pgs.2-3, based on their Dec. letter. He pointed to the highlighted section on pg. 13, to which they would add as they moved towards adoption. On pg. 30, the forestry section now included data from more than one source. Air resources on pg. 30 were also expanded. The CCPB did pass a resolution for adoption last night. On pg. 37 at the top, he pointed to the change in the last sentence of the section pertaining to Polson.

The biggest changes were those regarding the Commissioners' decision to repeal the DMR as zoning regulations. Pages 54-56 revised Density policies per direction from the Commissioners. Chapter 9 had to be revised to reflect that. He referred to pg. 86, where action 56 replaced 5 previous actions. Appendix C was the advisory Density Map and Text (DMT) that was added to draft 3. Joel referred to Wally's list of roughly 25 tasks that the County planned to do to implement the 2003 Growth Policy and the questions of which would carry over to the new growth policy. He didn't give it a full analysis. He asked if the Board wanted him to go through it quickly now or if they would like him to put something in writing for the next meeting.

Steve said over the last few years' of discussions of the DMR, there'd been lots of discussion on whether the current regulations were defensible. It had to do with the fact that those things that needed to be done didn't get done. If they were going to keep the DMR, they needed to make sure those things that were critical for making it defensible were in the new growth policy, and that they set a priority to get those things done so they didn't have the issue that it was undefensible come up. It sounded like they would determine whether they would get back into that or not. If they didn't keep the regulations, they didn't need to worry about defending them.

Joel mentioned that draft 3 made substantial changes to chapter 8, and the Board had not yet reached chapter 9. Janet asked about the actions added to chapter 9, since some of the numbers of actions had changed. Joel said he would look at that. Some of it might have been a numbering issue.

Public comment opened:

Billie Lee made points of clarification. She helped with the 2003 growth policy and congratulated Joel and the staff for a good job on a formidable job. The section on land use or in the introduction described land ownership and gave percentages. What was the current percentage of fee land versus other land? The percentages of fee versus trust land were not distinguished. Could that be included? The website didn't include whether or not chapter 9 was current for tonight's discussion or if additional updates were still happening, except with regard to the Density piece. Joel replied draft #3 dated March on the website was the current up-to-date version, and it reflected the Commissioners' plan to repeal the DMR as zoning. It would still be a component of the growth policy as advisory.

Gale Decker said the map that Billie requested was very difficult to come up with. They were attempting to do so with information from the Dept. of Revenue. A lot of their records weren't accurate so it was kind of a moving target. Those numbers were in the 1980 growth policy but

he and Jacob didn't know how they came up with them. For chapter 9, he thought some changes would have to be made. He referred to the implementation schedule. With the 2003 growth policy, the County was going to facilitate creation of water and sewer districts and facilitate improvements that were to be made so people could hook up to these. They didn't have the capital to do so and some of this was still included in chapter 9. He thought they needed to remove it.

Joel noted the GIS data on ownership was incomplete.

Robin Steinkraus of the Flathead Lakers talked about chapter 9 on implementation. The list of implementation actions was long, often vague and sometimes confusing. One criticism of the DMR was that some of the implementation actions that would have made it more effective were never taken on. A careful, systematic review of the actions in the new draft to make sure they were clearly stated and realistic, along with additional prioritization, would make it more likely that they could be achieved. She gave the example of goal 1.2 and objective 1.2.1.

Implementation #26 was pretty vague and the timeframe was ongoing. That action was more likely to be achieved if the actual regulations were specified and some target year was indicated. This was a problem throughout the implementation section.

Since the last Planning Board meeting, Robin and some Flathead Laker board members had the opportunity to discuss some implementation actions with Wally Congdon, who had told the Planning Board in February that these would be important to include in the new growth policy. Her understanding from him was some related to the growth policy and some did not. From the perspective of protecting water quality, some of those needed to be addressed in the growth policy in order for them to be consistent with the growth policy if there was an implementation. Some of those focused on planning for community infrastructure and public services and waiving protest to hook up to a city or community sewer or water in areas where those services might be provided in the future. She couldn't find new or revised implementation actions in the areas of her organization's primary concern. She encouraged them to look at Wally Congdon's recommendations and make sure the tools that could be effective in achieving the policies, goals and objectives were included in the implementation section. She reiterated from previous comments about a reduction in focus on the importance of water quality in the second and third drafts compared to the 2003 growth policy.

Robin reiterated the new goal she'd recommended specific to protecting surface and groundwater [water] quality as well as some recommendations for new and revised objectives. She encouraged them to discuss those recommendations. Action #156, associated with the new DMT goal 5.4.1, was to complete an update with the 1-year growth policy review. It would be useful to add a review and evaluation after 5 years or more, after it had more usage. Since this growth policy was likely to be in place for 20 years, it was worth taking a little more time now to make this guiding document for the County.

Jordan Thompson, attorney with the CS&KT and a landowner on the east shore of Flathead Lake, said it was a pleasure to get to know the board members a little better and to see how much they cared. He was getting used to spending the second Wednesday of each month with them and thanked them. He hadn't dug through the third draft. It sounded like in spite of the

Commissioner vote yesterday of their intent to repeal the DMR, they would still like the recommendation on what the Planning Board would like to do with it. He asked that they support the DMR as regulatory and that they provide that recommendation to the Commissioners. If the Commissioners couldn't be convinced to keep the DMR as regulatory, he would like to work through the scheme as advisory. It was a big paradigm change. He'd like to make sure that what was in there looked as good as it could look. He'd like to talk to Wally and others to make sure they kept this place as beautiful as they could.

Caitlin Shelman was unable to go to the midday Commissioner meeting so she brought her comments to the Planning Board. She moved to land purchased outside of St. Ignatius from Portland, OR last summer, where she and her family planned to eventually start a small farm. She had a family and was a teacher at the high school. She and her family's choice to move here was multifaceted. One of the biggest motivators was that the County had the DMR in place. Compared to many places in the West, this seemed a very forward-thinking place because of the DMR. As people looking to start a small farming operation, they valued that the County valued protecting wildlife and agricultural resources. That didn't happen in many places in the West. She felt fertile soil was being developed in inappropriate ways where she was from. She'd sent a letter to the Planning Board as well as to the Commissioners.

Caitlin felt the reasons she moved here—the access to nature, the focus of the Tribes and other groups in the County on conservation and on providing habitat, the focus on protecting farmland and the presence of smaller family farming operations and ranching operations throughout the valley—had been protected by the DMR. She felt all of those things were now being put at risk by the repeal of the DMR. She understood the argument she heard about increasing the tax base on fee land and the need for increased revenue in the County. This was close to her heart as a teacher at a high school where the roof was literally collapsing bit by bit and new leaks frequently sprang forth. However, she didn't see that the DMR had been maxed out. There was still plenty of room for development around each of the community centers. That was where they should look to focus growth. She had no problem with growth but that was where it should be. It made the most sense to protect resources. She received and appreciated the email she received back from Gale Decker. However, he stated he thought the regulations were discriminatory toward fee land owners. She didn't think that was an appropriate word in this case. As a community, they all should be looking at how they should move forward in a sustainable way. Everyone, regardless of how much or what type of land they owned, should have access to clean air and water. She believed the DMR helped future generations maintain those things.

Charles W. Wheeler spoke recently to the Board. He strongly believed the DMR should be regulatory as opposed to advisory. He encouraged the Board, if asked by the County Commissioners to offer their fair and unbiased opinion of this, to give it. It was interesting to learn more about the Board. He appreciated their work. He was astonished the Commissioners decided to make this advisory as a formal decision, given the numbers thrown around at the last meeting that public sentiment seemed to run 80% for keeping it regulatory as opposed to advisory.

Gale said the process was confusing. Yesterday the Commissioners passed a resolution of intent. The next step was to actually act on a resolution.

Kristi Niemeyer lived in Polson. She was also part owner of [agricultural land] south of Charlo. She'd lived here since 1979. A lot of people lived here because it was a rare and lovely place. If the DMR became advisory, it would lose its teeth. She urged that they support it as a regulatory devise. She was curious if the County Commissioners could ask the Board members to disclose their conflict of interest, was it not fair that the Board ask them that same question.

Public comment closed.

Draft through chapter 7:

Steve, pg. iii: Bob Stone was no longer on the Planning Board. The rest of the list was current.

Steve, pg. 2 bottom, in the Commissioner letter: Steve commented to Gale about the last sentence. He personally took offense to that comment. One big reason for the DMR was to protect the environment, the wildlife and the quality of life that we had here in the County. To say that any of the citizens weren't affected by this decision wasn't fair. He suggested that the Commissioners consider removing that statement. Gale said the other side of the argument was many property owners felt offended that non-property owners were driving what they could and could not do with the development of their property. Steve agreed this was an issue between distinct property rights and the property rights of neighbors. It was a difficult issue. He suggested that they try not to draw either one of those groups out in a statement like that. Gale said if they took it out, they were offending those who said non-property owners should not be driving the growth policy. Steve reminded that probably all of their mothers used to say if they didn't have anything nice to say, it was better not to say anything at all.

Janet, pg. v bottom of the first column: Regarding the reference to Tribal management as wilderness and not for recreation, recreation was allowed and trails were maintained by the Tribes, so 'and not for recreation' should be struck.

The Board, pg. ii, pg. 2 and pg. 3: The document contained two each of these pages.

Frank, second pg. 2: He asked if 'set' in the third line at the beginning was a typo. The historic description of the County should include some mention of other cultures.

Frank, second pg. 2, above the last paragraph in the left column: Add: 'Also, among our earliest settlers in the area were white European trappers, traders, explorers and missionaries. Their influence and contribution to the history of this area is significant and continues to this day.' He thought there was also a section on culture around pg. 33. Steve verified with Frank that this was in the written comments that Frank had submitted so they didn't have to go over that language again for it to be considered. Joel checked that this had been emailed. Janet suggested saying 'early settlers' instead of 'earliest settlers', since they were comparing 100 years to 14,000 years. They weren't the earliest.

Frank, pg. 21: The percentages didn't add to 100%. There was a note that the table excluded those reporting two or more races. He thought most of the American Indian and Alaskan Native were multi-race. He had worked for the census. They counted people with any Indian blood as Tribal. If they didn't count those with more than one race, they would exclude the Tribal. He wouldn't propose doing that. Steve asked why the table didn't include a row for multiple race. Joel thought they were accounted for in some of the other percentages. This table was found by another planner. He would talk to that planner and get a better understanding of it. John thought if someone was using those numbers for something important, they would look them up. He didn't think they needed to drag through every little number. Steve suggested they could put an asterisk to say these might not add to 100. Joel said that was what he tried to do.

Steve:

- Pg. 23: He asked about the chart that needed some differentiation between the lines. Joel said the chart came from Jim Kelly as a courtesy so he couldn't change it. Steve suggested adding a statement clarifying which line referred to average prices and which referred to median prices.
- Pg. 26: Correct a typo of 'an d' to 'and' in the 4th sentence from the end
- Pg. 29: Two lines above the Community Goal symbol, 'produces' was incorrect and might be 'producers'.
- Pg. 31: In the first sentence of the last paragraph in the first column, 'the' prior to 'Lake County' could be removed.

Frank, pg. 33: Change the 'Cultural Resources' label to 'Tribal Cultural Resources'. He reiterated the suggestion to include a paragraph on the other cultures. Steve preferred the paragraph addition. If they couldn't afford to do that, then the title might need to be changed. Frank asked if they wanted to discuss current cultural resources, such as the arts and so forth. Janet thought to clarify, they could add 'land-based' prior to cultural resources in the 3rd line of the section. Joel said his intent was to talk about cultural resources in general, not Tribal versus non-Tribal. Janet suggested that 'Land-based' also be added before 'cultural resource inventories' in the middle of the paragraph. She touched on inventories by the Tribes, the State and the federal government. Those needed to be considered when subdividing. Frank saw the pictures where it looked like the section was about people. Janet said it was a mixture of talking about those land-based cultural inventories as well as a little about culture, and referring people to other offices [on pg. 34]. It wasn't a full description of the cultural resources on either side. Joel thought the heading was for the topic. The text didn't really distinguish between Tribal and not Tribal.

Steve, pg. 40: Across from the 'Key Issue' symbol, insert 'are' in front of 'trying'.

Chapter 8:

Steve, pg. 55:

- Next to 'Condition' symbol: Add 'in' after 'much of the reduction'.
- Top of second column: He wasn't sure what to do with the sentence about a final decision about the DMR. Jacob said even [at the time] when the Planning Board made a recommendation, the final resolution of repeal would not be officially repealed. Janet

asked how long the resolution of intent extended. Jacob described it had to be noticed in the paper twice, with a 30-day comment period from the first notice. It would be after the next Planning Board meeting.

- ‘Conditions’ section, last sentence: Steve disagreed that the net effect of moving the DMR to advisory status would be negligible. After what they’d gone through regarding the DMR, it didn’t matter whether they repealed them or not? Gale said the discussions that he’d had with the Lake County Planning [Dept. about] if they moved these from regulatory to advisory was that there would be minimal changes on how they approached development. It was still a tool that would be taken into consideration when a proposal came in. Density would be a factor in whether or not a project would be approved. Steve thought they would continue this discussion when they talked about appendix C.
- Steve, pg. 55: Three lines below the ‘Policy’ symbol, regarding the sentence about no solid evidence the DMR achieved their purpose: Add to the sentence that there is no solid evidence that they haven’t. The fact was it was impossible to know what would have happened, had the DMR not been in place. He suggested striking that sentence. The sentence in there was true, but you couldn’t prove the other way either. Gale disagreed. The evidence he was working from included the roughly 25 objectives and the analysis that those objectives hadn’t been fully achieved. Nine were partially achieved. That sentence came from the Commissioners’ perspective. Steve checked that by writing the DMR, that should have caused things like helping cities implement their sewer growth. That would have come from the DMR rather than the DMR protecting the environment, protecting urban sprawl and those kinds of things. Gale said the DMR were adopted to achieve the goals and objects of the 2003 Growth Policy. That was in the resolution of intent to adopt it. Steve asked if that list was actions or goals and objectives. Joel said they were tasks or actions. Steve said the goals and objectives in the 2003 growth plan involved things like protecting the environment and wildlife, preventing urban sprawl, reducing costs of urban sprawl and providing County services and so forth. Weren’t some of those objectives and goals? It seemed like the DMR very likely might have done those things.

Gale said some goals were protecting the Hwy 93 corridor from billboards. They hadn’t achieved that. Steve observed that wasn’t in the DMR. Gale said it was in the 2003 Growth Policy as an objective. Janet suggested that what needed to be clarified in the regulations was that the regulations were meant to address density of residential, commercial and industrial development. It could be clarified with a sentence. They wanted to work on billboard regulations. The Lake County Planners had to work on updating the subdivision regulations so it didn’t happen. They were ready to do it. It didn’t mean just because they didn’t get that action item completed that the DMR wasn’t working. That had nothing to do with billboard regulations. It was a separate action.

Steve said they didn’t achieve the goals of the growth plan. It wasn’t that they didn’t achieve the objectives of the DMR. Further discussion ensued. Frank pointed to language from state law and said there was no way to measure whether or not it had been achieved. Steve agreed, so they shouldn’t make a statement that it didn’t achieve its

purposes. There was no way to tell. Gale disagreed. A goal of the 2003 growth policy was to treat Tribal and non-Tribal lands equally. Since one set of lands had a regulatory document and the other had an advisory document, that goal had not been achieved. Steve repeated his recommendation to strike that sentence.

John asked how to make progress out of this discussion. Rick said they put forward the idea. Joel said at some point the Commissioners would be asked to make a resolution to adopt a growth policy. The Board would need to give Joel a list. The draft resolution was an example. It included blank lines for the list of changes [the Board would recommend]. Jacob suggested since the Board suggestions would be noted and in the minutes, the Board could make a recommendation along with revisions as suggested at the March Planning Board to include those in the recommendation. John checked that they would be done in one lump. Jacob suggested one meeting at a time. John suggested one issue at a time. They'd discussed about 4 things without coming to a resolution on any. Gale commented that he foresaw that tonight the Planning Board would bring potential changes to the Commissioners, who would go through those changes one by one and say yes or not to them, since they would be the body adopting it. To him, it made no sense for the Board to adopt something as a growth policy and then have the Commissioners change it. The document would come back to the Planning Board, who would then decide if they would accept it, reject it or accept it with changes.

Janet recalled a helpful step when the Tribes gave a letter of comment several months ago. In a packet, the Commissioners said which [changes] were okay and which weren't. If the Board knew what changes were or were not approved, they could look at that, rather than having to reread every page of the draft. Gale agreed that plan worked well and made the process easier.

Gale said they'd gone through and made changes. They might miss typos and so forth. In chapter 9 with the implementation schedule, there were some [items] that would have to come out. He gave the example of the new jail plans. They didn't know where that was going to go, so they were going to take the planning, funding and building for that out of the growth policy. Another example was making an inventory of deteriorated lots in the County. Some items had question marks where they didn't know yet what they were going to do with them. They did have what was suggested.

Jacob checked for clarity. He envisioned that the 4th draft would go to the Commissioners. That would not come back to the Planning Board. The recommendations the Board made tonight, along with the recommendations and suggestions made at the next meeting would be incorporated at the Commissioners' discretion into the final 4th draft that would go to them for their approval. The Planning Board would not re-cover what they covered tonight. Joel added there would be a recommendation that listed what the Planning Board wanted changed tonight. Janet asked if the public would have time to look at a 4th draft of the changes in chapter 9 and appendix C. Jacob responded that the public would have time. They would have a public hearing and review process for adoption. It would be in the paper for 2 weeks, with a 30-day public comment period.

Steve, pg. 56, Density Policies, left column, first non-numbered paragraph: For format reasons, use the same title as used in appendix C so change 'guiding text' to 'Text'.

[Editor's note: A change in the title of appendix C would be to change 'Regulations' to 'Text'.]

Frank, pg. 55, 3rd paragraph: He asked about the DMR adoption in 2005. Joel explained that it was adopted then. Frank said the DMR weren't county-wide zoning when first adopted. Jacob clarified that they were. Joel further clarified that on Aug. 24, 2005 the DMR were adopted as county zoning with an effective date of Oct. 1, 2005.

Janet, pg.55, 3rd paragraph: Strike the last sentence, which was inaccurate. Gale said another vote wasn't taken in 2016. Steve suggested adding 'in 2016' to the sentence end. Joel suggested the Planning Board might recommend the Commissioners add the most up-to-date history before they adopted it. Janet and Steve concurred.

Jacob corrected his previous statement. They had two processes going on: the repeal process and the adoption process. For the repeal process, once a resolution of intent was passed, there would be two weeks in the newspaper with a 30-day comment period. For the growth policy, once the Board made their recommendation, it went to the Commissioners and they passed a resolution of intent. It didn't get that same comment period. Steve asked if there was a comment period after the resolution of intent. Jacob said state law didn't say anything beyond resolution of intent. Janet was concerned that the public needed to be able to review the final language and comment on it before the Commissioners passed the resolution of intent to adopt it. If they didn't have another draft out for them to review, it didn't give them the opportunity. Steve asked what the Commissioners planned. Gale envisioned that the next meeting of the Planning Board would be the discussion of the appendix and potential edits and changes of that, as part of the growth policy. Once the Planning Board made a recommendation to the Commissioners on the growth policy, the notices would be made and there would be a resolution to adopt the growth policy. Then there would be a public hearing to take comment on the adoption of the policy. Jacob said [the process] wasn't clearly defined. It talked about having a public hearing. Tonight's was the third public hearing so it was already getting more public review than state law provided for. It didn't define a public hearing for the Commissioners. It said the governing body shall adopt a resolution of intention to adopt, adopt with revisions or reject the growth policy. It said they could put it up to the electors if they wanted to. It didn't define public hearings or further meetings. Gale said he would support the idea of a public hearing before adopting the growth policy. He was one of three Commissioners.

Marc Carstens asked about putting it to the electorate. Gale replied if there was a way to defray the cost of that, it would be a viable option. It was very expensive. Marc said so was defending decisions. Gale agreed.

Chapter 9:

Joel commented on the earlier question about numbering changes [of action items] from draft 1 to draft 3 in chapter 9.

Action #12 (pg. 70) was added based on the County Road Supervisor's comments and action #11 was changed a little.

#29 on pg. 71 and #40 on pg. 72 were added by the Planning Board.

#55 on pg. 74 was added from one of Jacob's comments.

#96 on pg. 79, #112 on pg. 81 and #131 on pg. 83 were added.

Also on pg. 83, an action was removed from between #125 and #126 per the Planning Board. #156 on pg. 86 was consolidated regarding the DMR.

Janet remarked that given the number of tasks to accomplish in this growth policy, she didn't think they needed to adopt a Right to Farm ordinance. It was already in the Montana codes: farmlands were protected. It seemed like an extra task that would be very time consuming. Steve said they were very close on that one. Frank thought it was important. Wasn't it mandated by the legislature? Wally said it wasn't mandated but it was a good thing to do. Sigurd thought it was important. Steve thought they were close, as far as the time the Board and staff would spend to complete the work already done. Jacob said they still had the draft and could pick up on it again.

Steve, pg. 71, action #26: Be more specific as to what they were going to do as far as updating regulations. He could try to come up with some specific items before the next meeting. Joel noted that sometimes a specific goal or objective worked together with other ones. Sometimes they just needed to tie those together better. For instance with #26, it was clear it was vague. Keep in mind there were a lot of others that piggybacked on that, like #47 through #50. Steve said they'd [need] to identify the other ones. They weren't under the same objective. He wanted to add that the NGO's (non-governmental organizations) should be partners in #26. The NGO's were listed with #28 and #29 as well as other places.

Janet, pg. 73, action #51: Change 'on a yearly basis' to 'on a prioritized schedule'. Steve wondered if the Commissioners might remove this one due to a lack of manpower. Janet noted if you said on a prioritized schedule, you weren't bound to yearly.

Joel, #60: Gale talked about this earlier [for removal].

Janet, #58: Add 'without compromising environmental protections' to the end. Joel thought the Commissioners had nixed that. Steve said they tried to add that into a few. It would be nice to somehow make a point of recognizing the word 'unnecessary' in the objective. Joel observed that the word was there. Steve said the problem was that it got interpreted. Some people didn't think it was necessary to protect the environment, which was a shame. Rick asked if they covered that in other portions of the document. Steve didn't know where. There were certainly a lot of regulatory "barriers" that raised residential construction costs and timeframes. Putting ground wires in the electrical system certainly raised cost—should they eliminate that requirement? He hoped not. Just because it cost more to build a house didn't mean they should eliminate that regulation if the regulation was necessary. He thought protecting the environment for the future citizens of the county was necessary. Jacob suggested 'to reduce barriers'. Would that encompass it? Steve liked including 'without compromising environmental protections' in the action. Frank suggested putting something in the heading that these were intended actions but not at the cost of damaging the environment. That would cover everything plus it was in the state constitution. Steve was open to suggestions, if Joel saw a good way to implement that when he was looking at this. He wanted to be cautious about saying that if it increased costs, they were going to eliminate it.

Joel described that with other growth policies they'd added policy statements. The whole document was a policy statement. They only included so much when they built the table. Like the signs of success, policy statements could be inserted in certain locations. It could be an overall policy statement at the beginning of this chapter. Steve said they did have the issue statements and vision statements for housing. Joel said it might even be somewhere in there already. Steve didn't see it. Janet said it could be put at 2.1.4 and it would cover both #58 and #59. Steve thought they might put a second sentence in the objective that said 'without compromising environmental protections'. Janet thought they could say 'without compromising human health and safety'. Steve thought that might be more acceptable. It was a good suggestion.

Janet, pg. 75, #64: Change 'address' to 'addressed'.

Steve, pg. 76, #70 and elsewhere: References to Density Map & Text (DMT) needed to be consistent throughout the document.

Janet, pg. 76, 3.1.5: Add 'in communities' before 'along state and federal highways'. Steve asked why just in communities. Janet referred to local visibility and access to businesses. Did you want to have a lot of signs along the corridors? If you were trying to promote local visibility, that meant providing more access. The communities had slower speed limits. Improving access by providing additional access points wasn't safe in the rural areas with higher speed limits. That was proven. She recommended this be done in communities. Putting signage up and down the highway corridor defeated the purpose of maintaining the beauty of this area. Steve thought they were talking about during highway construction projects and keeping access to the businesses while there was a highway project going on so the businesses wouldn't suffer. Janet understood that. She thought by saying in communities, you focused it. Steve didn't want to eliminate a business that wasn't in a community. Janet thought if it was along the highway, it already had decent visibility. She said [the change] wasn't necessary.

Steve, pg. 77, 3.2.3 and pg. 78, 3.3.2, both with actions #82 and #83, and also #90: What was being done here? Joel read those objectives. Steve thought the actions to meet those two different objectives weren't the same. Some thought could go into how to reword #82 and #83 to follow #90 with #91 and #92, or maybe just another single action about promoting the small town and outdoor brand in order to attract new businesses would be more appropriate under 3.3.2. Joel said they were trying to tie them together so one wouldn't forget the other. Steve said it didn't make much sense to him. It was just a comment to consider.

Janet, pg. 78, #91: Add 'without compromising environmental quality'. Steve suggested 'protections' instead of 'quality'. Janet said either one.

Steve, pg. 83: The Issue Statement mentioned the Density Map. He wondered if they needed to be consistent [in referring to the Density Map & Text].

Janet, pg. 83, #130: Add 'recognize Tribal sovereignty and consider all of the contributions made by CS&KT and the school impact aid funds in lieu of taxes'. Gale said what drove that statement [in #130] was that the Commissioners asked the State legislature for relief since they

believed the State created the issue; no fiscal analysis was available as to what the loss was. He didn't see an issue with the addition. He clarified that school impact aid funds were federal in answer to Frank. Frank then suggested adding 'federal' in front of 'school'.

Janet, pg. 85, #143: She asked for clarification. Jacob thought this was intended as supplemental income for landowners. It could be reworded.

Gale, pg. 86, #152: He asked if they knew what the Tribal regulations were. Jacob said he didn't have copies. Janet mentioned they were online. Jacob said he'd seen the Shoreline regulations. Gale asked Janet if the Tribes had regulations when they reviewed a subdivision. Janet explained that they followed the NEPA process. She referred to the comprehensive plan she'd held up yesterday. They had a document with all of the plans and policies, which needed to be updated. There were more plans and policies that they had to follow, such as the river corridor plan where they couldn't develop unless they were in an existing cluster area. She listed the Dixon agency, Dixon townsite and SKQ Dam aka Kerr Dam. Those clusters were the only three areas where they could put new home sites, according to that existing policy. Then they had buffer zone policy that stated the same thing. The wilderness buffer zone [was] where they weren't allowed to put new home sites in areas unless [the areas] were already clustered sites and homes were already there. Then they had a septic permitting ordinance, the shoreline protection ordinance, the aquatic lands conservation ordinance and the cultural resources protection ordinance. There were multiple ordinances.

Gale asked how they aligned them if they didn't have a clear picture of all of these ordinances she was discussing. Maybe there was a way she could provide those to the County. The way the two governments operated was obviously very different. They said they were going to do it but he wasn't sure how that process would work in application to take the County's regulations and policies and align them with CS&KT's. Janet pointed to standards. For instance, with setback standards, they had the same setback standards and they could align those. When the Planning Board was going through the lakeshore regulations, they were trying to do that and align with Flathead [County and the Tribes]. They could pull out those specific standards. When [the BIA and Tribes] completed the programmatic environmental assessment for home site development, they had standards as an appendix to that, talking about road widths etcetera. They could work on getting that amended if necessary, working with the Council and trying to make sure that these were similar. When she wrote those standards, she looked at County regulations to be similar, as close as she could be. She thought they could continue to work on that. Gale said he was confused on how [the County] would implement that. It sounded like something that could be done.

Steve, pg. 86, #151 & #152: These were similar actions. One talked about Tribal comments. Both talked about aligning regulations. Did they need both? Gale said they spend a lot of time trying to do this with the City of Polson and didn't get it done. Steve thought there were different motivating factors for this. When they worked on the lakeshore protection regulations, one of the motivating factors was to help out the contractors who were building docks so they wouldn't have different rules in 3 different jurisdictions. (They were also trying to align things with Flathead County lakeshore protection regulations.) He didn't know if it would help as much when you were building houses and developing land, if the setbacks were the same on

Tribal and fee land. He suggested taking the ‘when appropriate’ at the end of #151 and add them to the end of #152. Was it important to have both of these or could they have just one? Janet couldn’t speak for the Tribal Council. She could share the existing policy with them and they could work together.

Steve, pg. 86, #156: Put all of the incremental reviews that are in the text in #156. Was there discussion in the growth policy text as to when it got reviewed? Joel thought there was a 1-year and a 5-year review specified. Frank asked if that was in State law. Jacob said it was for growth policies.

Steve, pg. 86, 5.4.1: Use the complete term [of Density Map & Text] rather than Density Map. Joel said it was worded differently because they were talking about Appendix C and some pages around pg. 55 or where ever in different instances. Steve thought the text should be included in the review. Jacob said they all had the same process. Steve returned to his point, which was the schedule [of review] ought to be the same. Joel said his thought was when you did the one-year review, you amended that action to figure out and solidify when the next review would be done. Steve thought if you included the increments, you wouldn’t have to change that. Janet asked what if there were no updates. Jacob suggested they could use the wording in here that said at least every 5 years and revising the policy if necessary. Janet and Steve both liked that.

Steve referred to Gale’s comment that they were working to try to update statistics and maps about fee land versus non-fee land.

Appendix B:

Janet, pg. B-5: The grey [in the legend] should also say ‘State’. For instance, a lot of state land ownership occurred around Charlo, around the wildlife refuge that was exempt and not assessed. Joel noted this data came from the State Dept. of Revenue and he created the map.

Steve summarized they’d gotten through draft 3 except for Appendix C. He verified with Jacob that they’d gotten through the amount desired for tonight.

OTHER BUSINESS

Steve shared a note with Joel about help offered on cultural resources wording.

Gale mentioned that he recommended reading the article in the Valley Journal about what drove growth and development.

Steve Rosso, chair, adjourned the meeting at 9:47 pm.